

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0243-AIR-E TCEQ ID: RN102457520 CASE NO.: 35364
RESPONDENT NAME: Total Petrochemicals USA, Inc.

Page 1 of 5

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Total Petrochemicals USA Port Arthur Refinery, 7600 32nd Street, Port Arthur, Jefferson County

TYPE OF OPERATION: Petroleum refinery

SMALL BUSINESS: ☐ Yes ☒ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are six additional pending enforcement actions regarding this facility location, Docket Nos. 2006-0561-AIR-E, 2007-0172-AIR-E, 2007-1427-AIR-E, 2008-0413-AIR-E, 2008-0726-AIR-E, and 2008-0989-AIR-E.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on August 4, 2008. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 169, (512) 239-1044; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. Darrell Jacob, Refinery Manager, Total Petrochemicals USA, Inc., P.O. Box 849, Port Arthur, Texas 77641
Respondent's Attorney: Not represented by counsel on this enforcement matter

TEXAS
 COMMISSION ON
 ENVIRONMENTAL
 QUALITY
 2008-08-02 AM 11:52
 CHIEF CLERK'S OFFICE

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 22, 2007, October 30, 2007, December 20, 2007, January 11, 2008</p> <p>Dates of NOEs Relating to this Case: November 27, 2007, December 21, 2007, February 1, 2008, February 6, 2008</p> <p>Background Facts: These were routine investigations and record reviews.</p> <p>AIR</p> <p>1) Failure to seal two open-ended lines, identified as Tag No. 01336 on the 40E-7A vessel and Tag No. 40,01668 located near pressure control valve PC 487, with a cap, plug, or blind flange [30 TEX. ADMIN. CODE §§ 101.20(3), 113.340, 115.352(4), 116.115(c), 122.143(4), 40 CODE OF FEDERAL REGULATIONS §§ 63.167(a)(1) and 63.648(a), New Source Review Permit ("NSRP") Nos. 20381, PSD-TX-1005, and N-044, Special Condition ("SC") No. 7.E., Federal Operating Permit ("FOP") No. O-02222, Special Terms and Conditions ("STC") No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to conduct inspections of external floating roof tanks once every six months. Specifically, in 2006, Tank Nos. 800, 801, 802, and 805 were inspected only once in November, and Tank Nos. 800 and 802 were not inspected during the first six months of 2007 [30 TEX. ADMIN. CODE §§ 101.20(3), 115.114(a)(4), 116.115(c), 122.143(4), NSRP Nos. 20381, PSD-TX-1005, and N-044, SC No. 6, FOP No. O-02222, STC Nos. 1.A. and 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$59,329</p> <p>Total Deferred: \$11,865 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$23,732</p> <p>Total Paid to General Revenue: \$23,732</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. By September 30, 2007, completed installation of an automated tracking system, ENVIANCE, which tracks tank inspections and Condensate Splitter Heater emissions, among other operations, and notifies the proper person/operator when inspections are due or other actions need to be taken;</p> <p>b. On October 22, 2007, replaced missing plugs on the two open-ended lines;</p> <p>c. On November 14 and 15, 2007, inspected Tank Nos. 800 and 802; and</p> <p>d. On February 26, 2008, revised the Standard Operating Procedures for emissions events and conducted emissions events training for affected personnel.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Report the failure to report deviations in the next semi-annual deviation report due after the effective date of this Agreed Order if the Respondent has not done this before the effective date of this Agreed Order. When reporting the deviations, the Respondent shall reference this Agreed Order; and</p> <p>b. Within 15 days after completing Ordering Provision No. 2.a. or within 30 days after the effective date of this Agreed Order, whichever is later, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p>

3) Failure to report the occurrence of all deviations in the semi-annual deviation report. Specifically, the Respondent failed to include failure to conduct tank inspections during the first six months of 2006 in the May 14, 2006 -November 13, 2006 semiannual deviation report and failed to include an exceedance of the Condensate Splitter Heater firing rate during a recordable shutdown/startup activity that occurred on November 14 and 15, 2006 in the November 14, 2006 - May 13, 2007 semiannual deviation report [30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), FOP No. O-02222, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4) Failure to comply with the Condensate Splitter Heater combined sulfur dioxide ("SO₂") maximum allowable emission rate ("MAER") of 6.08 pounds per hour ("lbs/hr"). Specifically, on February 2, 2007 from 17:00 through 20:00, the rate varied from 7.16 to 11.33 lbs/hr, on February 21, 2007 at 19:00 was 7.37 lbs/hr, on March 14, 2007 at 20:00 was 6.30 lbs/hr, and April 14, 2007 at 20:00 was 8.68 lbs/hr [30 TEX. ADMIN. CODE §§ 101.20(3), 106.261(2), 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP Nos. 20381, PSD-TX-1005, and N-044, SC No. 1, Permit By Rule No. 74442, FOP No. O-02222, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5) Failure to comply with the South Flare [Emission Point Number ("EPN") 53SOUTHFLR]] MAER for SO₂ on March 30, 2007. Specifically, the MAER is 10.66 lbs/hr. During the event which lasted one hour 15 minutes, the South Flare released 898.80 lbs of SO₂, resulting in 885.47 lbs of unauthorized emissions. Since these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP No. 54026, SC No. 1, FOP No. O-1267, GTC and STC No. 27, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6) Failure to comply with the South Flare MAER for SO₂, hydrogen sulfide ("H₂S"), and nitrogen oxides ("NO_x") on August 1, 2007. Specifically, the MAERs for SO₂, H₂S, and NO_x are 10.66 lbs/hr, 0.12 lbs/hr, and 32.99 lbs/hr, respectively. During the event which lasted one hour 20 minutes,

the South Flare released 604.33 lbs of SO₂, 6.60 lbs of H₂S, and 65.00 lbs of NO_x, resulting in unauthorized emissions of 590.12 lbs of SO₂, 6.44 lbs of H₂S, and 21.01 lbs/NO_x. Since the final report was not submitted within two weeks after the incident and was incomplete, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP No. 54026, SC No. 1, FOP No. O-1267, GTC and STC No. 27, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7) Failure to submit the final report within two weeks after the end of a reportable emissions event and to include the proper authorization limits in the report. Specifically, the final report for the emissions event which occurred on August 1, 2007 should have been submitted by August 15, 2007, but was not submitted until August 20, 2007 and had the wrong H₂S limit listed [30 TEX. ADMIN. CODE § 101.201(b)(1)(H) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8) Failure to submit final reports within two weeks after the end of reportable emissions events. Specifically, the final reports for the emissions events which occurred on August 17 and 29, 2007 should have been submitted by August 31 and September 12, 2007, respectively, but were not submitted until September 7 and 16, 2007, respectively [30 TEX. ADMIN. CODE § 101.201(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9) Failure to comply with the SO₂ MAER for the North and South Flares on August 17 and 29, 2007. The North Flare (EPN 41NORTHFLR) and South Flare have a total combined rate of 10.66 lbs of SO₂ per hour. NSRP No. 54026 does not allow any emissions from the Sulfur Recovery Unit 3 ("SRU-3") Reactor. During an emissions event that lasted 9 hours and 35 minutes on August 17, the North Flare released a total of 4,138.74 lbs of SO₂, of which 4,036.62 lbs were unauthorized, and the SRU-3 Reactor released 99.40 lbs of H₂S and 48.90 lbs of SO₂, all of which were unauthorized. During the emission event that lasted 5 hours and 29 minutes on August 29, 2007, the North and South Flares released a total of 822.77 lbs of SO₂, off which 764.47 lbs were unauthorized. Because the Respondent failed to provide timely final reports for the emissions events, the demonstrations for

an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP No. 54026, SC No. 1, FOP No. O-1267, GTC and STC No. 27, and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
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Additional ID No(s)::AIR JE0005H

Attachment A
Docket Number: 2008-0243-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Total Petrochemicals USA, Inc.
Payable Penalty Amount:	Forty-Seven Thousand Four Hundred Sixty-Four Dollars (\$47,464)
SEP Amount:	Twenty-Three Thousand Seven Hundred Thirty-Two Dollars (\$23,732)
Type of SEP:	Pre-approved
Third-Party Recipient:	Jefferson County: Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient will contribute to Jefferson County for its Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles. Specifically, the contribution will be used to purchase alternative fueled equipment such as propane or electric powered lawn mowers, propane powered light duty and heavy equipment, and alternative fueled vehicles and retire diesel and gasoline powered equipment and vehicles. Jefferson County will also convert current equipment and vehicles to alternative fueled equipment in order to lower emissions.

All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air emissions generated by gasoline and diesel powered equipment and vehicles in the Beaumont/Port Arthur ozone non-attainment area.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

The Honorable Judge Ron Walker
Jefferson County Judge
1149 Pearl Street, 4th Floor
Beaumont, Texas 77701

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision January 29, 2008

TCEQ

DATES	Assigned	3-Dec-2007			
	PCW	4-Feb-2008	Screening	4-Feb-2008	EPA Due 23-Aug-2008

RESPONDENT/FACILITY INFORMATION

Respondent	Total Petrochemicals USA, Inc.				
Reg. Ent. Ref. No.	RN102457520				
Facility/Site Region	10-Beaumont		Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	35364		No. of Violations	9	
Docket No.	2008-0243-AIR-E		Order Type	1660	
Media Program(s)	Air		Enf. Coordinator	Miriam Hall	
Multi-Media			EC's Team	Enforcement Team 4	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$21,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 181% Enhancement Subtotals 2, 3, & 7 \$38,010

Notes: The penalty was enhanced for two NOV's with same or similar violations, 14 unrelated NOV's, six 1660 orders and one Findings order. The penalty was reduced for one disclosure of violations.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 \$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts \$425
Approx. Cost of Compliance \$2,400

0% Enhancement* Subtotal 6 \$0
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$59,010

OTHER FACTORS AS JUSTICE MAY REQUIRE 1% Adjustment \$319

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Upward adjustment needed to capture avoided cost of tank inspections.

Final Penalty Amount \$59,329

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$59,329

DEFERRAL

20% Reduction Adjustment -\$11,865

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY \$47,464

Screening Date 4-Feb-2008

Docket No. 2008-0243-AIR-E

PCW

Respondent Total Petrochemicals USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35364

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Miriam Hall

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	14	28%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 181%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty was enhanced for two NOVs with same or similar violations, 14 unrelated NOVs, six 1660 orders and one Findings order. The penalty was reduced for one disclosure of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 181%

Screening Date 4-Feb-2008	Docket No. 2008-0243-AIR-E	PCW
Respondent Total Petrochemicals USA, Inc.	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 35364	<small>PCW Revision January 29, 2008</small>	
Reg. Ent. Reference No. RN102457520		
Media [Statute] Air		
Enf. Coordinator Miriam Hall		
Violation Number 1		
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 113.340, 115.352(4), 116.115(c), 122.143(4), 40 Code of Federal Regulations §§ 63.167(a)(1) and 63.648(a), New Source Review Permit ("NSRP") Nos. 20381, PSD-TX-1005, and N-044, Special Condition ("SC") No. 7.E., Federal Operating Permit ("FOP") No. O-02222, Special Terms and Conditions ("STC") No. 14, and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to seal two open-ended lines, identified as Tag No. 01336 on the 40E-7A vessel and Tag No. 40,01668 located near pressure control valve PC 487, with a cap, plug, or blind flange, as documented during an investigation on October 22, 2007.	
Base Penalty		\$10,000
>> Environmental, Property and Human Health Matrix		
OR	Release	Harm
		Major Moderate Minor
	Actual	<input type="text"/> <input type="text"/> <input type="text"/>
	Potential	<input type="text"/> <input type="text"/> <input checked="" type="text"/>
Percent		10%
>> Programmatic Matrix		
	Falsification Major Moderate Minor	
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
Percent		0%
Matrix Notes	Human health or the environment could have been exposed to insignificant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.	
Adjustment		\$9,000
		\$1,000
Violation Events		
Number of Violation Events	2	Number of violation days
	2	
mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text"/>
Violation Base Penalty		\$2,000
One single event is recommended for each missing plug.		
Economic Benefit (EB) for this violation		
Statutory Limit Test		
Estimated EB Amount	\$0	Violation Final Penalty Total
		\$5,650
This violation Final Assessed Penalty (adjusted for limits)		\$5,650

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 35364
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$50	22-Oct-2007	22-Oct-2007	0.0	\$0	n/a	\$0

Notes for DELAYED costs

The plugs were replaced the same day they were discovered missing.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$0

Screening Date 4-Feb-2008	Docket No. 2008-0243-AIR-E	PCW			
Respondent Total Petrochemicals USA, Inc.		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 35364		<small>PCW Revision January 29, 2008</small>			
Reg. Ent. Reference No. RN102457520					
Media [Statute] Air					
Enf. Coordinator Miriam Hall					
Violation Number	<div style="border: 1px solid black; padding: 2px; text-align: center;">2</div>				
Rule Cite(s)	<div style="border: 1px solid black; padding: 5px;">30 Tex. Admin. Code §§ 101.20(3), 115.114(a)(4), 116.115(c), 122.143(4), NSRP Nos. 20381, PSD-TX-1005, and N-044, SC No. 6, FOP No. O-02222, STC Nos. 1.A. and 14, and Tex. Health & Safety Code § 382.085(b)</div>				
Violation Description	<div style="border: 1px solid black; padding: 5px;">Failed to conduct inspections of external floating roof tanks once every six months, as documented during an investigation on October 22, 2007. Specifically, in 2006, Tank Nos. 800, 801, 802, and 805 were inspected only once in November, and Tank Nos. 800 and 802 were not inspected during the first six months of 2007.</div>				
Base Penalty		<div style="border: 1px solid black; padding: 2px; text-align: right;">\$10,000</div>			
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major Moderate Minor			
	Actual	<div style="border: 1px solid black; width: 60px; height: 15px;"></div>	<div style="border: 1px solid black; width: 60px; height: 15px;"></div>		
	Potential	<div style="border: 1px solid black; width: 60px; height: 15px;"></div>	<div style="border: 1px solid black; width: 60px; height: 15px; text-align: center;">x</div>		
		Percent	<div style="border: 1px solid black; padding: 2px; text-align: right;">10%</div>		
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<div style="border: 1px solid black; width: 60px; height: 15px;"></div>	<div style="border: 1px solid black; width: 60px; height: 15px;"></div>	<div style="border: 1px solid black; width: 60px; height: 15px;"></div>	<div style="border: 1px solid black; width: 60px; height: 15px;"></div>	
		Percent	<div style="border: 1px solid black; padding: 2px; text-align: right;">0%</div>		
Matrix Notes	<div style="border: 1px solid black; padding: 5px;">Human health or the environment could have been exposed to insignificant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation. (When the tanks were inspected, they were found to be in compliance.)</div>				
Adjustment			<div style="border: 1px solid black; padding: 2px; text-align: right;">\$9,000</div>		
			<div style="border: 1px solid black; padding: 2px; text-align: right;">\$1,000</div>		
Violation Events					
Number of Violation Events		<div style="border: 1px solid black; padding: 2px; text-align: center;">6</div>	<div style="border: 1px solid black; padding: 2px; text-align: center;">818</div>	Number of violation days	
<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; width: 60px; height: 15px;"></div>			
	monthly	<div style="border: 1px solid black; width: 60px; height: 15px;"></div>			
	quarterly	<div style="border: 1px solid black; width: 60px; height: 15px;"></div>			
	semiannual	<div style="border: 1px solid black; width: 60px; height: 15px;"></div>			
	annual	<div style="border: 1px solid black; width: 60px; height: 15px;"></div>			
	single event	<div style="border: 1px solid black; width: 60px; height: 15px; text-align: center;">x</div>			
For 2006, one single event is recommended for each of four tanks (Tank Nos. 800, 801, 802, and 805) and in 2007, one single event is recommended for each of two tanks (Tank Nos. 800 and 802).					
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px; text-align: right;">\$382</div>	Violation Final Penalty Total	<div style="border: 1px solid black; padding: 2px; text-align: right;">\$16,951</div>	
			This violation Final Assessed Penalty (adjusted for limits)	<div style="border: 1px solid black; padding: 2px; text-align: right;">\$16,951</div>	

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 35364
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$1,000	30-Jun-2006	30-Sep-2007	1.3	\$63	n/a	\$63
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of an automated tracking system called "ENVIANCE" used to assist with tracking and elimination of these types of occurrences. The Date Required is the date by which the tanks should have been inspected and the Final date is the date the system was up and running properly.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
2006 Tank Inspections for 4 tanks	\$200	30-Jun-2006	14-Nov-2006	1.3	\$13	\$200	\$213
2007 Tank Inspections for 2 tanks	\$100	30-Jun-2007	15-Nov-2007	1.3	\$6	\$100	\$106

Notes for AVOIDED costs

The estimated cost of missed inspections. The Date Required is the date by which the tanks should have been inspected and the Final date is the date the tanks were inspected.

Approx. Cost of Compliance

\$1,300

TOTAL

\$382

Screening Date 4-Feb-2008	Docket No. 2008-0243-AIR-E	PCW
Respondent Total Petrochemicals USA, Inc.	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 35364	<small>PCW Revision January 29, 2008</small>	
Reg. Ent. Reference No. RN102457520		
Media [Statute] Air		
Enf. Coordinator Miriam Hall		
Violation Number 3		
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(A), FOP No. O-02222, General Terms and Conditions ("GTC"), and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to report the occurrence of all deviations in the semi-annual deviation report, as documented during an investigation on October 22, 2007. Specifically, the Respondent failed to include failure to conduct tank inspections during the first six months of 2006 in the May 14, 2006 - November 13, 2006 semiannual deviation report and failed to include an exceedance of the Condensate Splitter Heater firing rate during a recordable shutdown/startup activity that occurred on November 14 and 15, 2006 in the November 14, 2006 - May 13, 2007 semiannual deviation report.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual					
	Potential				Percent	0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				x	
Percent					1%

Matrix Notes	The Respondent met more than 70% of the rule requirement.
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Adjustment	\$9,900
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	\$100
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Violation Events

Number of Violation Events	2		669	Number of violation days
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<small>mark only one with an x</small>	daily		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

Violation Base Penalty	\$200
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One single event is recommended for each incomplete report.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$6
	Violation Final Penalty Total
	\$565
This violation Final Assessed Penalty (adjusted for limits)	
\$565	

Economic Benefit Worksheet

Respondent: Total Petrochemicals USA, Inc.

Case ID No. 35364

Reg. Ent. Reference No. RN102457520

Media: Air

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
2006 Report	\$50	12-Dec-2006	12-Jun-2008	1.5	\$4	n/a	\$4
2007 Report	\$50	31-May-2007	12-Jun-2008	1.0	\$3	n/a	\$3

Notes for DELAYED costs

The estimated cost of including the missing deviations in the original deviation reports from the date the original reports were submitted to the projected compliance date (the due date of the next scheduled deviation report).

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$6

Screening Date 4-Feb-2008

Docket No. 2008-0243-AIR-E

PCW

Respondent Total Petrochemicals USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35364

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 106.261(2), 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP Nos. 20381, PSD-TX-1005, and N-044, SC No. 1, Permit By Rule No. 74442, FOP No. O-02222, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the Condensate Splitter Heater combined sulfur dioxide ("SO₂") maximum allowable emission rate ("MAER") of 6.08 pounds per hour ("lbs/hr"), as documented during an investigation on October 22, 2007. Specifically, on February 2, 2007 from 17:00 through 20:00, the rate varied from 7.16 to 11.33 lbs/hr, on February 21, 2007 at 19:00 was 7.37 lbs/hr, on March 14, 2007 at 20:00 was 6.30 lbs/hr, and April 14, 2007 at 20:00 was 8.68 lbs/hr.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation. The total excess emissions were only 18.21 lbs of SO₂.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

4 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$7,063

This violation Final Assessed Penalty (adjusted for limits) \$7,063

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 35364
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit is included in Violation No. 2. The EVIANCE system notifies the operator when the Condensate Splitter Heater Emissions get near the emission limit.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0TOTAL \$0

Screening Date 4-Feb-2008	Docket No. 2008-0243-AIR-E	PCW		
Respondent Total Petrochemicals USA, Inc.	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 35364	<small>PCW Revision January 29, 2008</small>			
Reg. Ent. Reference No. RN102457520				
Media [Statute] Air				
Enf. Coordinator Miriam Hall				
Violation Number 5				
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP No. 54026, SC No. 1, FOP No. O-1267, GTC and STC No. 27, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to comply with the South Flare [Emission Point Number ("EPN") 53SOUTHFLR]] MAER for SO₂ on March 30, 2007, as documented during a record review on October 30, 2007. Specifically, the MAER is 10.66 lbs/hr. During the event which lasted one hour 15 minutes, the South Flare released 898.80 lbs of SO₂, resulting in 885.47 lbs of unauthorized emissions. Since these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.</p>			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual	<input type="text"/>	<input checked="" type="text"/>	Percent 25%
Potential	<input type="text"/>	<input type="text"/>		
>> Programmatic Matrix				
	Falsification	Major Moderate Minor		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent 0%
Matrix Notes	Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
Adjustment			\$7,500	
			\$2,500	
Violation Events				
Number of Violation Events		1	Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty \$2,500	
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
One quarterly event is recommended.				
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$36	Violation Final Penalty Total \$7,063	
This violation Final Assessed Penalty (adjusted for limits)			\$7,063	

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 35364
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$800	30-Mar-2007	26-Feb-2008	0.9	\$36	n/a	\$36
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of revising the Emission Event Standard Operating Procedures and conducting training from the date of the first event to date completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$800

TOTAL

\$36

Screening Date 4-Feb-2008

Docket No. 2008-0243-AIR-E

PCW

Respondent Total Petrochemicals USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35364

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP No. 54026, SC No. 1, FOP No. O-1267, GTC and STC No. 27, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the South Flare MAER for SO₂, hydrogen sulfide ("H₂S"), and nitrogen oxides (NO_x) on August 1, 2007, as documented during a record review on January 11, 2008. Specifically, the MAERs for SO₂, H₂S, and NO_x are 10.66 lbs/hr, 0.12 lbs/hr, and 32.99 lbs/hr, respectively. During the event which lasted one hour 20 minutes, the South Flare released 604.33 lbs of SO₂, 6.60 lbs of H₂S, and 65.00 lbs of NO_x, resulting in unauthorized emissions of 590.12 lbs of SO₂, 6.44 lbs of H₂S, and 21.01 lbs/NO_x. Since the final report was not submitted within two weeks after the incident and was incomplete, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$7,063

This violation Final Assessed Penalty (adjusted for limits) \$7,063

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.

Case ID No. 35364

Reg. Ent. Reference No. RN102457520

Media Air

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit included in Violation No. 5.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 4-Feb-2008

Docket No. 2008-0243-AIR-E

PCW

Respondent Total Petrochemicals USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35364

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 101.201(b)(1)(H) and (c), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit the final report within two weeks after the end of a reportable emissions event and to include the proper authorization limits in the report, as documented during a record review on January 11, 2008. Specifically, the final report for the emissions event which occurred on August 1, 2007 should have been submitted by August 15, 2007, but was not submitted until August 20, 2007 and had the wrong H2S limit listed.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

The Respondent complied with at least 70% of the rule requirement.

Adjustment \$9,900

\$100

Violation Events

1

5 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$283

This violation Final Assessed Penalty (adjusted for limits) \$283

Economic Benefit Worksheet

Respondent: Total Petrochemicals USA, Inc.
Case ID No.: 35364
Reg. Ent. Reference No.: RN102457520
Media: Air
Violation No.: 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Late Report	\$50	15-Aug-2007	20-Aug-2007	0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of preparing the report from the date due to the date submitted. The economic benefit for employee training is included in Violation No. 5

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$0

Screening Date 4-Feb-2008

Docket No. 2008-0243-AIR-E

PCW

Respondent Total Petrochemicals USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35364

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 101.201(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit final reports within two weeks after the end of reportable emissions events, as documented during a record review on December 20, 2007. Specifically, the final reports for the emissions events which occurred on August 17 and 29, 2007 should have been submitted by August 31 and September 12, 2007, respectively, but were not submitted until September 7 and 16, 2007, respectively.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

The Respondent complied with at least 70% of the rule requirement.

Adjustment \$9,900

\$100

Violation Events

2

11

Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

One single event is recommended for each late report (two).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$565

This violation Final Assessed Penalty (adjusted for limits) \$565

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 35364
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Late Report	\$50	31-Aug-2007	7-Sep-2007	0.0	\$0	n/a	\$0
Late Report	\$50	12-Sep-2007	16-Sep-2007	0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of preparing the reports from the dates due to the dates submitted. The economic benefit for employee training is included in Violation No. 5.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0

Screening Date 4-Feb-2008

Docket No. 2008-0243-AIR-E

PCW

Respondent Total Petrochemicals USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35364

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number

9

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP No. 54026, SC No. 1, FOP No. O-1267, GTC and STC No. 27, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the SO₂ MAER for the North and South Flares on August 17 and 29, 2007, as documented during a record review on December 20, 2007. The North Flare (EPN 41NORTHFLR) and South Flare have a total combined rate of 10.66 lbs of SO₂ per hour. NSRP No. 54026 does not allow any emissions from the Sulfur Recovery Unit 3 ("SRU-3") Reactor. During an emissions event that lasted 9 hours and 35 minutes on August 17, the North Flare released a total of 4,138.74 lbs of SO₂, of which 4,036.62 lbs were unauthorized, and the SRU-3 Reactor released 99.40 lbs of H₂S and 48.90 lbs of SO₂, all of which were unauthorized. During the emission event that lasted 5 hours and 29 minutes on August 29, 2007, the North and South Flares released a total of 822.77 lbs of SO₂, of which 764.47 lbs were unauthorized. Because the Respondent failed to provide timely final reports for the emissions events, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 could not be met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$14,126

This violation Final Assessed Penalty (adjusted for limits) \$14,126

Economic Benefit Worksheet

Respondent: Total Petrochemicals USA, Inc.
 Case ID No. 35364
 Reg. Ent. Reference No. RN102457520
 Media Air
 Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit is included in Violation No. 5.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600582399	Total Petrochemicals USA, Inc.	Classification: AVERAGE	Rating: 3.02
Regulated Entity:	RN102457520	TOTAL PETROCHEMICALS USA PORT ARTHUR REFINERY	Classification: AVERAGE	Site Rating: 10.86
ID Number(s):	WASTEWATER	PERMIT	WQ0000491000	
	WASTEWATER	PERMIT	TPDES0004201	
	WASTEWATER	PERMIT	TX0004201	
	AIR NEW SOURCE PERMITS	PERMIT	16778	
	AIR NEW SOURCE PERMITS	PERMIT	2347	
	AIR NEW SOURCE PERMITS	PERMIT	3615	
	AIR NEW SOURCE PERMITS	PERMIT	5694	
	AIR NEW SOURCE PERMITS	PERMIT	9194	
	AIR NEW SOURCE PERMITS	PERMIT	9195	
	AIR NEW SOURCE PERMITS	PERMIT	10183	
	AIR NEW SOURCE PERMITS	PERMIT	10908	
	AIR NEW SOURCE PERMITS	PERMIT	10970	
	AIR NEW SOURCE PERMITS	PERMIT	11273	
	AIR NEW SOURCE PERMITS	PERMIT	11710	
	AIR NEW SOURCE PERMITS	PERMIT	12697	
	AIR NEW SOURCE PERMITS	PERMIT	14781	
	AIR NEW SOURCE PERMITS	PERMIT	16423	
	AIR NEW SOURCE PERMITS	PERMIT	16424	
	AIR NEW SOURCE PERMITS	PERMIT	16840	
	AIR NEW SOURCE PERMITS	PERMIT	5694A	
	AIR NEW SOURCE PERMITS	PERMIT	8983A	
	AIR NEW SOURCE PERMITS	PERMIT	9195A	
	AIR NEW SOURCE PERMITS	PERMIT	9194A	
	AIR NEW SOURCE PERMITS	PERMIT	9193A	
	AIR NEW SOURCE PERMITS	PERMIT	17352	
	AIR NEW SOURCE PERMITS	PERMIT	17920	
	AIR NEW SOURCE PERMITS	PERMIT	18936	
	AIR NEW SOURCE PERMITS	PERMIT	19490	
	AIR NEW SOURCE PERMITS	PERMIT	19965	
	AIR NEW SOURCE PERMITS	PERMIT	20381	
	AIR NEW SOURCE PERMITS	PERMIT	35330	
	AIR NEW SOURCE PERMITS	PERMIT	35329	
	AIR NEW SOURCE PERMITS	PERMIT	36873	
	AIR NEW SOURCE PERMITS	PERMIT	41280	
	AIR NEW SOURCE PERMITS	PERMIT	43109	
	AIR NEW SOURCE PERMITS	PERMIT	43981	
	AIR NEW SOURCE PERMITS	PERMIT	44046	
	AIR NEW SOURCE PERMITS	PERMIT	45378	
	AIR NEW SOURCE PERMITS	PERMIT	46060	
	AIR NEW SOURCE PERMITS	PERMIT	46396	
	AIR NEW SOURCE PERMITS	PERMIT	47047	
	AIR NEW SOURCE PERMITS	PERMIT	47520	
	AIR NEW SOURCE PERMITS	PERMIT	48595	
	AIR NEW SOURCE PERMITS	PERMIT	48600	
	AIR NEW SOURCE PERMITS	PERMIT	49417	
	AIR NEW SOURCE PERMITS	PERMIT	49743	
	AIR NEW SOURCE PERMITS	PERMIT	49982	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H	
	AIR NEW SOURCE PERMITS	PERMIT	72108	
	AIR NEW SOURCE PERMITS	PERMIT	51719	
	AIR NEW SOURCE PERMITS	PERMIT	49136	
	AIR NEW SOURCE PERMITS	PERMIT	54026	
	AIR NEW SOURCE PERMITS	PERMIT	54742	
	AIR NEW SOURCE PERMITS	REGISTRATION	55151	
	AIR NEW SOURCE PERMITS	REGISTRATION	55631	
	AIR NEW SOURCE PERMITS	PERMIT	55916	
	AIR NEW SOURCE PERMITS	PERMIT	55684	
	AIR NEW SOURCE PERMITS	REGISTRATION	75532	
	AIR NEW SOURCE PERMITS	REGISTRATION	75523	
	AIR NEW SOURCE PERMITS	AFS NUM	4824500037	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX688	

AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6
AIR NEW SOURCE PERMITS	EPA ID	PSDTX903
AIR NEW SOURCE PERMITS	PERMIT	56409
AIR NEW SOURCE PERMITS	PERMIT	56385
AIR NEW SOURCE PERMITS	REGISTRATION	56735
AIR NEW SOURCE PERMITS	REGISTRATION	70340
AIR NEW SOURCE PERMITS	REGISTRATION	71547
AIR NEW SOURCE PERMITS	REGISTRATION	71654
AIR NEW SOURCE PERMITS	REGISTRATION	71651
AIR NEW SOURCE PERMITS	REGISTRATION	71559
AIR NEW SOURCE PERMITS	REGISTRATION	70700
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	54086
AIR NEW SOURCE PERMITS	REGISTRATION	71694
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	PERMIT	54827
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	PERMIT	73221
AIR NEW SOURCE PERMITS	REGISTRATION	72436
AIR NEW SOURCE PERMITS	PERMIT	52593
AIR NEW SOURCE PERMITS	REGISTRATION	73844
AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	74505
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS	REGISTRATION	74767
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	PERMIT	75106
AIR NEW SOURCE PERMITS	REGISTRATION	74856
AIR NEW SOURCE PERMITS	REGISTRATION	75367
AIR NEW SOURCE PERMITS	REGISTRATION	75091
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M1
AIR NEW SOURCE PERMITS	REGISTRATION	76788
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M3
AIR NEW SOURCE PERMITS	REGISTRATION	78538
AIR NEW SOURCE PERMITS	PERMIT	N67
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073
AIR NEW SOURCE PERMITS	REGISTRATION	80731
AIR NEW SOURCE PERMITS	REGISTRATION	80728
AIR NEW SOURCE PERMITS	REGISTRATION	81097
AIR NEW SOURCE PERMITS	REGISTRATION	81517
AIR NEW SOURCE PERMITS	REGISTRATION	83825
AIR NEW SOURCE PERMITS	REGISTRATION	83832
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	PERMIT	2222
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30002
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
WASTEWATER LICENSING	LICENSE	WQ0000491000
WATER LICENSING	LICENSE	1230048
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50074

		COMPLIANCE PLANS	
Location:	7600 32ND ST, PORT ARTHUR, TX, 77642	Rating Date:	September 01 07 Repeat Violator: NO
TCEQ Region:	REGION 10 - BEAUMONT		
Date Compliance History Prepared:	February 28, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	February 28, 2003 to February 28, 2008		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Miriam Hall	Phone:	(512) 239-1044

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date:	09/25/2003	ADMINORDER	2003-0119-AIR-E
Classification:	Moderate		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	SC3 PERMIT		
Description:	Failure to sample cooling towers for volatile organic compounds.		
Effective Date:	05/14/2004	ADMINORDER	2002-0888-AIR-E
Classification:	Moderate		
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 115, SubChapter D 115.354(2)(C) 40 CFR Part 60, Subpart GGG 60.592(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to monitor 1225 valves in vapor or light liquid service in the the Isomization unit at the facility during the second quarter 2001.		
Classification:	Moderate		
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Part 60, Subpart GGG 60.592(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	Not specified PERMIT SC2 PERMIT SC2B PERMIT SC3H PERMIT		
Description:	Failure to monitor light liquid service pumps monthly during the months of February, March, April and May 2001.		
Classification:	Moderate		
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Part 60, Subpart GGG 60.592(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	SC2 PERMIT		
Description:	Failure to monitor monthly valves in vapor and light liquid service found to be leaking until a leak is not detected for two successive months.		
Classification:	Moderate		
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 113, SubChapter C 113.340		

40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor vapor and light liquid service valves in the first month of the 2nd quarter 2001.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC4C PERMIT

Description: Failure to perform stack sampling.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC5 PERMIT

Description: Failure to continuously record the Dock Flare firebox exit temperature on March 6, 2002.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor valves within the Reformer unit.

Effective Date: 05/14/2004 ADMINORDER 2002-1051-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 8 PERMIT

Description: Failure to maintain a coke burn rate of 55,000 lbs/hr or less at the Fluid Catalytic Cracking Unit (FCCU) on six 12-hour periods as required by SC 8 of 18936 & PSD-TX-762M2.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1D PERMIT

Description: Failure to submit the semiannual report concerning VOC emissions for Jan 1 to Jun 30, and Jul 1 to Dec 31, 2001, as required by 60.698(c).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 19C PERMIT

Description: Failure to perform stack sampling to establish the actual pattern and quantities of air contaminants being emitted by the Vapor Combustion Unit w/in 60 days but no later than 180 days after the initial startup.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT
SC2 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Rqmt Prov: SC2 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset at the Alkylation Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits for VOC, NO2 and CO.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset and the actions taken or being taken to correct the upset.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Rqmt Prov: SC2 PERMIT

Description: Failure to prevent the unauthorized release of VOC, SO2, and CO emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits for VOC.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Failure to comply with the permitted nitrogen oxide (NO2) emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Effective Date: 01/08/2005

ADMINORDER 2003-1481-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20381, GC 8 & SC 1 PERMIT

PSD-TX-1005, GC 8 & SC 1 PERMIT

Description: Failure to maintain the MAERT emission limit of 1.27 lbs/hr for particulate matter (PM10) on the Condensate Splitter Heater (EPN N 17).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9193A and PSD-TX-453M6, SC 2 PERMIT

Description: Failure to control emissions from the North Flare, EPN 307.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936 and PSD-TX-762M2 PERMIT

Description: Failure to control emissions from the South Refinery Flare, EPN 142, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9195A and PSD-TX-453M6, SC 1 PERMIT

Description: Failure to control emissions from the Sulfur Recovery Tail Gas Thermal Oxidizer, EPN 125, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate

Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 334, SubChapter B 334.21(b)

Description: Failure to pay all Underground Storage Tank late fees in a timely manner.

Effective Date: 03/03/2005

ADMINORDER 2004-0065-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to properly report an emissions event at the SCOT Tail Gas Unit which occurred on September 8-9, 2003.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PSD-TX-453M6, Special Condition 1 PERMIT

Special Condition 1 PERMIT

Description: Exceeded the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) MAER for Sulfur

Dioxide and Hydrogen Sulfide on September 8-9, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 46396, Special Condition 1 PERMIT

Description: Exceeded the Tank 926 Flare (EPN: 22TK926FLR) MAER for CO during stack testing conducted on August 5-6, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 46396, SC 1 PERMIT

Description: Exceeded the Benzene Tank Flare (EPN: 50BZTNKFLR) MAER the permitted NOx during stack testing conducted on January 15-16, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 46396, SC 4E PERMIT

Description: Failed to submit two copies of the final test report for the January 15-16 test within 30 days after the sampling was completed.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to report an emissions event at the SCOT (Shell Claus Off-Gas Treater) Unit which began on September 21, 2003 within 24 hours of discovery.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 2 PERMIT

Description: Released unauthorized emissions from the North Flare (EPN: 307) on September 21, 2003.

Effective Date: 03/21/2005

ADMINORDER 2003-1135-AIR-E

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAERT PERMIT

PSD-TX-762M2, MAERT PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit. On April 7, 2003 110.5 lbs of VOCs, 8,820.5 lbs of SO₂, 24.2 lbs of NO_x, and 328 lbs of CO were emitted over a 3 hour period; and on April 17, 2003, 179 lbs of VOCs, 10,591.3 lbs of SO₂, 45.5 lbs of NO_x, and 174.8 lbs of CO were emitted over a 4.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936, MAERT PERMIT

PSD-TX-762M2, MAERT PERMIT

Description: Emitted into the atmosphere the following unauthorized emissions of 95.6 lbs of hydrogen sulfide on April 7, 2003, and 114.8 lbs of hydrogen sulfide on April 17, 2003.

Effective Date: 05/25/2007

ADMINORDER 2006-1095-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to notify the agency within 24 hours of the discovery of an emissions event.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 16840 and PSD-TX-688M2 PERMIT

Description: Failure to prevent an unauthorized emissions release at the facility.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2 PERMIT

Description: Failure to maintain the VOC emission rate below 7.56 lb/hr at the FPM Cooling Tower during the time described by Incident No. 71740.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	03/19/2003	(157190)
2	04/18/2003	(157196)
3	04/25/2003	(25379)
4	05/08/2003	(33263)
5	05/21/2003	(157200)
6	05/28/2003	(60762)
7	05/30/2003	(60547)
8	06/23/2003	(157204)
9	07/16/2003	(112393)
10	07/21/2003	(157208)
11	08/19/2003	(147506)
12	08/21/2003	(147314)
13	08/21/2003	(295015)
14	08/29/2003	(33657)
15	08/29/2003	(31893)
16	09/22/2003	(295017)
17	10/17/2003	(152374)
18	10/21/2003	(295019)
19	11/10/2003	(140784)
20	11/21/2003	(295020)
21	12/15/2003	(252528)
22	12/17/2003	(253859)
23	12/22/2003	(295021)
24	01/07/2004	(251647)
25	01/14/2004	(259132)
26	01/16/2004	(257106)
27	01/21/2004	(295022)
28	02/18/2004	(262253)
29	02/23/2004	(295004)
30	02/25/2004	(263664)
31	03/05/2004	(258714)
32	03/18/2004	(259900)
33	03/22/2004	(295006)
34	03/30/2004	(332764)
35	04/08/2004	(265693)
36	04/19/2004	(295007)
37	04/23/2004	(264889)
38	04/28/2004	(269294)
39	05/21/2004	(295009)
40	05/25/2004	(271847)
41	06/15/2004	(271209)
42	06/17/2004	(275130)
43	06/17/2004	(273769)
44	06/22/2004	(295011)
45	06/23/2004	(269696)
46	07/12/2004	(269851)
47	07/21/2004	(295013)
48	07/29/2004	(269691)
49	08/16/2004	(281567)
50	08/17/2004	(280413)
51	08/17/2004	(286899)
52	08/17/2004	(283908)
53	08/23/2004	(351943)
54	08/31/2004	(280247)
55	08/31/2004	(285080)
56	09/21/2004	(351944)
57	09/27/2004	(282656)

58	10/21/2004	(351945)
59	11/12/2004	(291212)
60	11/18/2004	(351946)
61	11/29/2004	(337787)
62	12/07/2004	(341531)
63	12/14/2004	(269700)
64	12/17/2004	(351947)
65	01/11/2005	(345742)
66	01/11/2005	(286852)
67	01/11/2005	(345734)
68	01/11/2005	(345047)
69	01/21/2005	(381770)
70	02/21/2005	(381768)
71	03/11/2005	(346656)
72	03/11/2005	(350459)
73	03/11/2005	(348120)
74	03/17/2005	(381769)
75	03/29/2005	(372850)
76	04/22/2005	(419600)
77	04/27/2005	(345893)
78	05/19/2005	(419601)
79	06/15/2005	(394699)
80	06/16/2005	(395449)
81	06/17/2005	(380022)
82	06/17/2005	(395181)
83	06/21/2005	(393771)
84	06/21/2005	(419602)
85	06/27/2005	(394004)
86	06/27/2005	(375095)
87	07/08/2005	(380986)
88	07/12/2005	(379108)
89	07/13/2005	(395545)
90	07/18/2005	(398333)
91	07/18/2005	(396246)
92	07/21/2005	(440742)
93	08/08/2005	(400586)
94	08/08/2005	(400578)
95	08/08/2005	(395607)
96	08/10/2005	(398204)
97	08/14/2005	(402622)
98	08/14/2005	(400928)
99	08/15/2005	(404442)
100	08/15/2005	(399684)
101	08/15/2005	(403311)
102	08/15/2005	(371587)
103	08/19/2005	(440743)
104	08/31/2005	(340674)
105	08/31/2005	(402164)
106	09/19/2005	(440744)
107	10/21/2005	(468272)
108	11/04/2005	(431104)
109	11/04/2005	(436336)
110	11/04/2005	(435646)
111	11/15/2005	(405196)
112	11/15/2005	(436413)
113	11/15/2005	(435255)
114	11/15/2005	(436155)
115	11/15/2005	(434630)
116	11/18/2005	(435866)
117	11/18/2005	(435774)
118	11/18/2005	(435804)
119	11/18/2005	(435798)
120	11/21/2005	(468273)
121	12/07/2005	(435751)
122	12/12/2005	(404612)
123	12/15/2005	(468274)
124	01/18/2006	(449944)
125	01/19/2006	(440180)

126	01/19/2006	(439503)
127	01/23/2006	(468275)
128	01/24/2006	(452104)
129	02/06/2006	(437341)
130	02/07/2006	(453479)
131	02/07/2006	(450128)
132	02/13/2006	(450178)
133	02/13/2006	(450341)
134	02/15/2006	(454193)
135	02/21/2006	(468270)
136	02/24/2006	(452413)
137	02/24/2006	(450992)
138	03/21/2006	(468271)
139	04/10/2006	(454251)
140	04/18/2006	(455136)
141	04/21/2006	(498089)
142	04/28/2006	(462859)
143	05/11/2006	(461924)
144	05/11/2006	(463343)
145	05/11/2006	(465492)
146	05/11/2006	(465525)
147	05/11/2006	(464460)
148	05/11/2006	(464168)
149	05/11/2006	(464473)
150	05/11/2006	(464467)
151	05/11/2006	(465518)
152	05/11/2006	(465489)
153	05/12/2006	(463148)
154	05/12/2006	(451451)
155	05/12/2006	(454148)
156	05/12/2006	(454494)
157	05/22/2006	(498090)
158	05/22/2006	(464542)
159	05/30/2006	(461199)
160	06/14/2006	(480809)
161	06/22/2006	(498091)
162	06/28/2006	(465850)
163	07/21/2006	(520109)
164	07/25/2006	(482058)
165	07/27/2006	(485194)
166	08/23/2006	(520110)
167	08/31/2006	(460545)
168	09/19/2006	(520111)
169	09/22/2006	(510639)
170	10/20/2006	(544367)
171	11/15/2006	(517804)
172	11/22/2006	(544368)
173	12/21/2006	(544369)
174	12/28/2006	(335708)
175	12/29/2006	(431565)
176	01/12/2007	(531450)
177	01/18/2007	(532164)
178	01/23/2007	(544370)
179	01/29/2007	(531801)
180	02/01/2007	(538715)
181	02/01/2007	(537518)
182	02/02/2007	(497612)
183	02/05/2007	(466788)
184	02/14/2007	(539270)
185	02/14/2007	(540328)
186	02/21/2007	(575101)
187	02/23/2007	(540617)
188	03/19/2007	(538927)
189	03/20/2007	(575102)
190	04/09/2007	(542889)
191	04/21/2007	(540306)
192	04/26/2007	(575103)
193	05/02/2007	(557540)

194	05/16/2007	(573950)
195	05/17/2007	(554816)
196	05/18/2007	(554787)
197	05/18/2007	(575104)
198	05/21/2007	(558572)
199	06/20/2007	(575105)
200	06/28/2007	(558540)
201	07/10/2007	(565190)
202	07/11/2007	(560069)
203	07/11/2007	(542342)
204	07/20/2007	(575106)
205	07/23/2007	(567241)
206	08/06/2007	(567736)
207	08/10/2007	(574318)
208	08/14/2007	(543994)
209	08/20/2007	(601546)
210	08/30/2007	(564577)
211	09/17/2007	(601547)
212	09/20/2007	(593858)
213	09/26/2007	(573894)
214	10/23/2007	(619450)
215	10/23/2007	(619453)
216	10/26/2007	(596024)
217	11/08/2007	(594034)
218	11/16/2007	(595084)
219	11/20/2007	(619451)
220	11/27/2007	(594170)
221	11/27/2007	(598818)
222	12/10/2007	(610704)
223	12/21/2007	(594470)
224	12/21/2007	(619452)
225	01/16/2008	(612034)
226	01/31/2008	(613691)
227	02/01/2008	(614929)
228	02/06/2008	(615511)
229	02/07/2008	(616836)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 03/30/2004 (332764)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 03/31/2004 (295007)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 04/26/2004 (264889)

Self Report? NO

Classification: Minor

Rqmt Prov: PERMIT WQ 491-000

Description: Failure by Atofina to properly operate and maintain units of conveyance of stormwater runoff by failure to maintain the conveyance ditch system to Outfall 003.

Self Report? NO

Classification: Minor

Rqmt Prov: PERMIT WQ 491-000

Description: Stormwater Control Structure E was observed to have suffered damage to the underflow piping at the catch basin. Two of the underflow pipes were observed to be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.

Self Report? NO

Classification: Minor

Rqmt Prov: PERMIT WQ 491-000

Description: Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall, and was hanging into the

unit.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT WQ 491-000

Description: Failure by Atofina to manage industrial wastes in accordance with applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to positioned between DD7 North Lateral 1A monitoring well OWB #2.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT WQ 491-000

Description: The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.

Date: 03/29/2005 (372850)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121

Description: Failure to have a monitoring plan.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Failure to maintain vent on ground storage tank.

Date: 11/30/2005 (468274)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2006 (468270)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 04/10/2006 (454251)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)

Rqmt Prov: PERMIT PC, 2g

Description: Failure by the permittee to contain contact storm water resulting in an unauthorized discharge.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT OpR, No. 1

Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT Opr, No. 1

Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.

Date: 05/31/2006 (461199)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: The facility failed to update the notice of registration

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: Failure to list job titles and job descriptions for each employee handling hazardous waste.

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)

Description: Containers of waste at the PWTC lab and NOR unit nos. 005, 029 and 030 did not list the date of initial accumulation.

Date: 06/30/2006 (520109)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2006 (544370)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2007 (575103)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 05/16/2007 (573950)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for Trihalomethanes during the first quarter of 2007.

Date: 08/10/2007 (574318)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2007.

Date: 08/30/2007 (571169)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 18936 and PSD-TX-762M2, SC 7
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

Description: Failure to maintain the 70 parts per million by volume (ppmv) limit for Nitrogen oxides (NOx) on the Fluid Catalytic Cracking Unit (FCCU) Regenerator Stack. MOD (2)(D) EIC B18

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 18936 and PSD-TX-762M2, SC 1A
PERMIT 18936 and PSD-TX-762M2, SC 8
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

Description: Failure to maintain the 50 ppmv limit for Sulfur dioxide (SO2) on FCCU Regenerator Stack. MOD (2)(D) EIC B18

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 18936 and PSD-TX-762M2, SC 8
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

Description: Failure to maintain the venturi pressure at its minimum rate. MOD (2)(G) EIC B19g.(1)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 46396, SC 4
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

Description: Failure to maintain the minimum temperatures required while loading products at

the dock flares. MOD (2)(G) EIC B19g.(1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 43109, SC 3A and B
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

Description: Failure to maintain the permitted NOx and CO limits for Package Boilers H-300 and H-350. MOD (2)(D) EIC B18

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 56385, SC 3
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

Description: Failure to monitor and record daily the food-to-microorganisms (F/M) ratio, the mixed liquid suspended solids (MLSS) ratio, and a residence time. MOD (2)(A) EIC B1

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 17352, SC 4C
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

Description: Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring on canisters. MOD (2)(G) EIC B14

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01267 SC 15A
OP O-01267, General Terms and Conditions
OP O-01267, SC 1A

Description: Failure to conduct annual no-detectable emissions monitoring and quarterly visual inspections for containers managing benzene wastes. MOD (2)(A) EIC B1

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 56385, SC 12L
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

Description: Failure to conduct quarterly visual inspections on unburied sewer lines. MOD (2)(A) EIC B1

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01267, General Terms and Conditions
OP O-01267, SC 1A
OP O-01267, SC 27

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service. MIN (3)(D) EIC C10

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 54026, SC 5D

PERMIT 54026, SC 6
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27
 Description: Failure to install analyzers on three flares, North, South, and Middle Flares, Unit Ids 41NORTHFLR, 53SOUTHFLR, and 41MIDFLRAE. MOD (2)(A) EIC B1
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-01267, General Terms and Conditions
 OP O-01267, SC 1D
 Description: Failure to submit a revision application to codify the requirements in the permit of 40 CFR Part 63, Subpart UUU and 30 TAC 113.780 by April 11, 2005, in FOP O-01267. Min (3)(C), EIC C3
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 5694A, GC 8
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27
 Description: Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 5694A, GC 8
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27
 Description: Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 8983A, SC 1
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27
 Description: Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 56385, SC 3
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27
 Description: Failure to maintain the food-to-microorganisms (F/M) ratio on the Enhanced Biodegradation Unit Aeration Tanks A, B, and C. MOD (2)(G) EIC B19g.(1)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 9195A and PSD-TX-453M6, SC 5
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27
 Description: Failure to maintain minimum flame temperatures for four consecutive calendar quarters. MOD (2)(G) EIC B19g.(1)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-01267, General Terms and Conditions
 Description: Failure to submit a SDR no later than 30 days after the end of the November 21, 2005 - May 22, 2006 reporting period. MOD (2)(B) EIC B3

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 30 TAC Chapter 122, SubChapter B 122.146(1) 30 TAC Chapter 122, SubChapter B 122.146(5)(D) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01267, General Terms and Conditions		
Description:	Failure to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification. MOD (2)(B) EIC B3		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 30 TAC Chapter 122, SubChapter B 122.146(1) 30 TAC Chapter 122, SubChapter B 122.146(5)(D) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01267, General Terms and Conditions		
Description:	Failure to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification. MOD (2)(B), EIC B3		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 18936 and PSD-TX-762M2, GC 8 OP O-01267, General Terms and Conditions OP O-01267, SC 27		
Description:	Failure to maintain allowable emissions rates. MOD (2)(D) EIC B18		
Date:	11/27/2007 (608889)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 20381, PSD-TX-1005, N-004, SC 7E OP O-02222, General Terms and Conditions OP O-02222, Special Condition 14 OP O-02222, Special Condition 1A		
Description:	Failure to seal several open-ended lines with a cap, plug, or blind flange. MIN(3)(C), EIC C10		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 20381, PSD-TX-1005, N-044, SC 12 OP O-02222, General Terms and Conditions OP O-02222, Special Condition 14		
Description:	Failure to maintain emission rates below the allowable emission limits. MOD (2)(D), EIC B18		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(e)		
Rqmt Prov:	PERMIT 20381, PSD-TX-1005, N-044, SC 21 OP O-02222, General Terms and Conditions OP O-02222, Special Condition 14 OP O-02222, Special Condition 1A		
Description:	Failure to submit a report within the required timeframes. MOD (3)(C), EIC C3		
Date:	02/06/2008 (616836)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B)		

Description:	Failure to protect chlorination equipment and chlorine cylinders from adverse weather conditions.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(v)	
Description:	Failure to have wires in conduit (exposed wires in the electrical panel).	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(j)	
Description:	Failure to use NSF 60 nitrogen.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)	
Description:	Failure to maintain an adequate chlorine residual.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(d)(2)	
Description:	Failure to have a pressure gauge on the pressure tank.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(3)	
Description:	Failure to have an appropriate overflow flap on the ground storage tank.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II)	
Description:	Failure to record the amount of chemicals used each week.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(b)(5)	
Description:	Failure to repair leak on the valves near the ground storage tank.	

F. Environmental audits.

Notice of Intent Date: 08/06/2002 (29718)
 Disclosure Date: 04/10/2003
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341
 Description: Failure to include waste streams directed to the benzene pretreatment oil-water separator in the calculation of TAB.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008-02-26 11:11:53
CHIEF CLERK'S OFFICE

IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TOTAL PETROCHEMICALS USA,
INC.
RN102457520

§
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§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-0243-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Total Petrochemicals USA, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petroleum refinery at 7600 32nd Street in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about December 3 and 26, 2007 and February 6 and 11, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fifty-Nine Thousand Three Hundred Twenty-Nine Dollars (\$59,329) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). The Respondent has paid Twenty-Three Thousand Seven Hundred Thirty-Two Dollars (\$23,732) of the administrative penalty and Eleven Thousand Eight Hundred Sixty-Five Dollars (\$11,865) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twenty-Three Thousand Seven Hundred Thirty-Two Dollars (\$23,732) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. By September 30, 2007, completed installation of an automated tracking system, ENVIANCE, which tracks tank inspections and Condensate Splitter Heater emissions, among other operations, and notifies the proper person/operator when inspections are due or other actions need to be taken;
 - b. On October 22, 2007, replaced missing plugs on the two open-ended lines;
 - c. On November 14 and 15, 2007, inspected Tank Nos. 800 and 802; and
 - d. On February 26, 2008, revised the Standard Operating Procedures for emissions events and conducted emissions events training for affected personnel.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to seal two open-ended lines, identified as Tag No. 01336 on the 40E-7A vessel and Tag No. 40,01668 located near pressure control valve PC 487, with a cap, plug, or blind flange, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 113.340, 115.352(4), 116.115(c), 122.143(4), 40 CODE OF FEDERAL REGULATIONS §§ 63.167(a)(1) and 63.648(a), New Source Review Permit ("NSRP") Nos. 20381, PSD-TX-1005, and N-044, Special Condition ("SC") No. 7.E., Federal Operating Permit ("FOP") No. O-02222, Special Terms and Conditions ("STC") No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 22, 2007.
2. Failed to conduct inspections of external floating roof tanks once every six months, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 115.114(a)(4), 116.115(c), 122.143(4), NSRP Nos. 20381, PSD-TX-1005, and N-044, SC No. 6, FOP No. O-02222, STC Nos. 1.A. and 14, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 22, 2007. Specifically, in 2006, Tank Nos. 800, 801, 802, and 805 were inspected only once in November, and Tank Nos. 800 and 802 were not inspected during the first six months of 2007.
3. Failed to report the occurrence of all deviations in the semi-annual deviation report, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), FOP No. O-02222, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 22, 2007. Specifically, the Respondent failed to include failure to conduct tank inspections during the first six months of 2006 in the May 14, 2006 - November 13, 2006 semiannual deviation report and failed to include an exceedance of the Condensate Splitter Heater firing rate during a recordable shutdown/startup activity that occurred on November 14 and 15, 2006 in the November 14, 2006 - May 13, 2007 semiannual deviation report.
4. Failed to comply with the Condensate Splitter Heater combined sulfur dioxide ("SO₂") maximum allowable emission rate ("MAER") of 6.08 pounds per hour ("lbs/hr"), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 106.261(2), 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP Nos. 20381, PSD-TX-1005, and N-044, SC No. 1, Permit By Rule No. 74442, FOP No. O-02222, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on October 22, 2007. Specifically, on February 2, 2007 from 17:00 through 20:00, the rate varied from 7.16 to 11.33 lbs/hr, on February 21, 2007 at 19:00 was 7.37 lbs/hr, on March 14, 2007 at 20:00 was 6.30 lbs/hr, and April 14, 2007 at 20:00 was 8.68 lbs/hr.
5. Failed to comply with the South Flare [Emission Point Number ("EPN") 53SOUTHFLR] MAER for SO₂ on March 30, 2007, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP No. 54026, SC No. 1, FOP No. O-1267, GTC and STC No. 27, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on October 30, 2007. Specifically, the MAER is 10.66 lbs/hr. During the event which lasted one hour 15 minutes, the South Flare released 898.80 lbs of SO₂, resulting in 885.47 lbs of unauthorized emissions. Since these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.
6. Failed to comply with the South Flare MAER for SO₂, hydrogen sulfide ("H₂S"), and nitrogen oxides ("NO_x") on August 1, 2007, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP No. 54026, SC No. 1, FOP No. O-1267, GTC and STC No. 27,

and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during record review conducted on January 11, 2008. Specifically, the MAERs for SO₂, H₂S, and NO_x are 10.66 lbs/hr, 0.12 lbs/hr, and 32.99 lbs/hr, respectively. During the event which lasted one hour 20 minutes, the South Flare released 604.33 lbs of SO₂, 6.60 lbs of H₂S, and 65.00 lbs of NO_x, resulting in unauthorized emissions of 590.12 lbs of SO₂, 6.44 lbs of H₂S, and 21.01 lbs/NO_x. Since the final report was not submitted within two weeks after the incident and was incomplete, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

7. Failed to submit the final report within two weeks after the end of a reportable emissions event and to include the proper authorization limits in the report, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(H) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 11, 2008. Specifically, the final report for the emissions event which occurred on August 1, 2007 should have been submitted by August 15, 2007, but was not submitted until August 20, 2007 and had the wrong H₂S limit listed.
8. Failed to submit final reports within two weeks after the end of reportable emissions events, in violation of 30 TEX. ADMIN. CODE § 101.201(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on December 20, 2007. Specifically, the final reports for the emissions events which occurred on August 17 and 29, 2007 should have been submitted by August 31 and September 12, 2007, respectively, but were not submitted until September 7 and 16, 2007, respectively.
9. Failed to comply with the SO₂ MAER for the North and South Flares on August 17 and 29, 2007, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP No. 54026, SC No. 1, FOP No. O-1267, GTC and STC No. 27, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on December 20, 2007. The North Flare (EPN 41NORTHFLR) and South Flare have a total combined rate of 10.66 lbs of SO₂ per hour. NSRP No. 54026 does not allow any emissions from the Sulfur Recovery Unit 3 ("SRU-3") Reactor. During an emissions event that lasted 9 hours and 35 minutes on August 17, the North Flare released a total of 4,138.74 lbs of SO₂, of which 4,036.62 lbs were unauthorized, and the SRU-3 Reactor released 99.40 lbs of H₂S and 48.90 lbs of SO₂, all of which were unauthorized. During the emission event that lasted 5 hours and 29 minutes on August 29, 2007, the North and South Flares released a total of 822.77 lbs of SO₂, of which 764.47 lbs were unauthorized. Because the Respondent failed to provide timely final reports for the emissions events, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Total Petrochemicals USA, Inc., Docket No. 2008-0243-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twenty-Three Thousand Seven Hundred Thirty-Two Dollars (\$23,732) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Report the failure to report deviations in Section II, Paragraph 3, in the next semi-annual deviation report due after the effective date of this Agreed Order if the Respondent has not done this before the effective date of this Agreed Order. When reporting the deviations, the Respondent shall reference this Agreed Order; and
 - b. Within 15 days after completing Ordering Provision No. 3.a. or within 30 days after the effective date of this Agreed Order, whichever is later, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:


Air Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

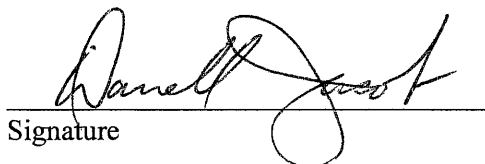
8/29/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

5/21/08
Date

Darrell Jacob
Name (Printed or typed)
Authorized Representative of
Total Petrochemicals USA, Inc.

Refinery Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2008-0243-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Total Petrochemicals USA, Inc.
Payable Penalty Amount:	Forty-Seven Thousand Four Hundred Sixty-Four Dollars (\$47,464)
SEP Amount:	Twenty-Three Thousand Seven Hundred Thirty-Two Dollars (\$23,732)
Type of SEP:	Pre-approved
Third-Party Recipient:	Jefferson County: Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient will contribute to Jefferson County for its Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles. Specifically, the contribution will be used to purchase alternative fueled equipment such as propane or electric powered lawn mowers, propane powered light duty and heavy equipment, and alternative fueled vehicles and retire diesel and gasoline powered equipment and vehicles. Jefferson County will also convert current equipment and vehicles to alternative fueled equipment in order to lower emissions.

All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air emissions generated by gasoline and diesel powered equipment and vehicles in the Beaumont/Port Arthur ozone non-attainment area.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

The Honorable Judge Ron Walker
Jefferson County Judge
1149 Pearl Street, 4th Floor
Beaumont, Texas 77701

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

